

~~CLOSED~~

MAY 25 2005

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION3  
FILED

FERDINAND LITI, et. al,

MAY 25 2005

CLERK'S OFFICE  
U. S. DISTRICT COURT  
EASTERN MICHIGAN

Petitioners,

v.

Case No. 04-60239

HON. MARIANNE O. BATTANI

PHILIP WRONA, Interim District Director,  
Immigration and Customs Enforcement, et. al,

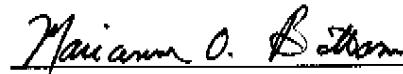
Respondents.

**ORDER TRANSFERRING CASE**

Before the Court is the Government's supplemental pleading in support of its "Opposition to Petition for Writ of Habeas Corpus and Emergency Stay of Removal" (Doc. #11). Petitioners initiated this habeas corpus action on October 28, 2004, seeking, *inter alia*, to stay their removal proceedings. On May 11, 2005, the REAL ID Act of 2005, H.R. 1268, 109th Cong. (2005) (enacted), Pub. L. No. 109-13, Div. B. 119 Stat. 231, was enacted. The statute represents a "marked departure from historical immigration law practice," I.N.S. v St. Cyr, 533 U.S. 289 at 290 (2001), as it eliminates the jurisdiction of federal district courts to hear habeas corpus challenges to removal, deportation, or exclusion orders. As a result, the only forum for an immigrant to bring a habeas challenge to such an order is the court of appeals.

Section 106 of the REAL ID Act indicates that 28 U.S.C. § 2241 cases, such as this, that were pending on the date of enactment must be transferred to the court of appeals. Accordingly, the Court hereby **TRANSFERS** this case in its entirety to the United States Court of Appeals for the Sixth Circuit. Petitioners have ten days from the date of this order to file a motion to

reinstate any portion of this case that does not challenge the order of removal, deportation, or exclusion. **IT IS SO ORDERED.**

  
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MARIANNE O. BATTANI  
UNITED STATES DISTRICT JUDGE

DATED: May 25, 2005

**CERTIFICATE OF SERVICE**

Copies of this Order were mailed and/or electronically delivered to Marshall E. Hyman and Derri T. Thomas on this date.



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DEPUTY CLERK